

R E M A R K S

Claims 1-5 are pending in the application. Applicant amends claims 1-2 and 4-5 for clarification. No new matter has been added.

The Examiner noted that the oath/declaration for this application was defective for not identifying the citizenship of the inventor. Applicant submits a new oath/declaration in compliance with 37 CFR 1.67(a) that identifies the citizenship of the inventor.

The Examiner objected to the abstract of the disclosure for its length and legal terminology. Applicant amends the abstract to shorten it to approximately the 150 word limit and to remove the objected-to legal terminology. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner objected to claims 1 and 2 for phrases that apparently lacked antecedent bases. Applicant amends the claims according to the Examiner's suggestions, and respectfully request that the Examiner withdraw the objection.

Claims 4 and 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant amends the claims to remove the objected-to language, and respectfully requests that the Examiner withdraw the rejection. Applicant respectfully submits that the language removed was merely explicit recitations of certain aspects of the claims' inherent scope, which should be unaffected by such removal.

Claims 1 and 2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,961,289 to Liu in view of U.S. Patent No. 6,541,690 to Segers, Jr. Applicant respectfully traverses the rejection.

Liu describes a digital audio player that includes an electrical sensor assembly—as shown in Figs. 2 and 3 of Liu—on a turntable control element that ensures scratching signals are picked up only when a DJ’s hand is in contact with the sensor assembly, and thus, the turntable control element. The Examiner acknowledged that Liu does not disclose the claimed features of an analog player and a rotation detecting apparatus, and relied upon Segers, Jr. as a combining reference that allegedly discloses these features.

It would not have been obvious to one skilled in the art to combine the references because Liu teaches away from such a combination.

Liu describes a particular electrical sensor for detecting a DJ’s hand on a simulated turntable-like control element for translating the DJ’s hand movement of the simulated control element to simulate scratching music played from a digital medium such as a compact disc. As such, Liu teaches away from incorporating any analog record player in that the sensor assembly described therein requires direct contact with a DJ’s hand, and any analog record or a disk similar thereto would be a hindrance to this function. Segers, Jr. describes a technique for simulating the control of scratch effects for music played from a digital source by using an optical pick-up 116 for reading between lines 120 or slots 122 of an “encoding disc” 112, as illustrated in Fig. 2 of Segers, Jr. Neither reference discloses or suggests combining the electrical sensor described in Liu with the encoder disc 112 described in Segers, Jr., or that such a combination would be operable.

Furthermore, neither reference discloses or suggests a digital audio data reproducing system that includes an “analog record player,” as claimed. Both references only describe specialized control mechanisms for simulating a turntable for scratch control, and do not disclose or suggest any analog record player that includes a turntable for an analog record, or the like,

being incorporated to any part of such control. Indeed, the circular platter 104 and the encoder disc 112 described in Segers, Jr.—which were relied upon by the Examiner as alleged disclosure of the claimed analog player—actually form a digital apparatus in that lines 120 and slots 122 of encoder disc 112 provide digital indication, by blocking or not blocking optical pick-up 116, of its rotation speed. The cited portions of Segers, Jr., thus, do not disclose or suggest an “analog record player,” as claimed.

Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Liu and Segers, Jr., the combination would still have failed to disclose or suggest the claimed “analog record player.” In other words, even assuming that the combination would have been obvious to one skilled in the art, the combination would still have failed to teach or suggest,

“[a] digital audio data reproducing system comprising:
a digital audio data reproducing apparatus including a recording medium in which digital audio data are stored, detection means for detecting the digital audio data stored in said recording medium and a processing section for reproducing said digital audio data in accordance with a reproducing speed signal and a reproducing direction signal which are supplied from the outside to said detection means;

an analog record player including a turntable for an analog record or a disk similar thereto and rotation driving means for said turntable; and

a rotation detecting apparatus mounted onto said analog record player for detecting both the speed of revolution and the sense of rotation for either said turntable or said analog record or a disk similar thereto, which is rotated by said turntable, and for supplying said reproducing speed signal and said reproducing direction signal to said digital audio data reproducing apparatus, after determining said reproducing speed signal and said reproducing direction signal from the detection signals for the

speed of revolution and the sense of rotation.," as recited in claim
1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claim 2 dependent therefrom, is patentable over Liu and Seger, Jr., separately and in combination, for at least the foregoing reasons.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Segers, Jr., and further in view of PCT Application No. WO00/21090 to Borieux; and claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Segers, Jr., and further in view of U.S. Patent No. 4,980,762 to Heeger et al.

The Examiner cited the additional references to specifically address the additional features recited in the rejected dependent claims. Therefore, a combination including these additional references would still have failed to teach or suggest the above-cited features of claim 1, even assuming such a combination would have been obvious to one skilled in the art.

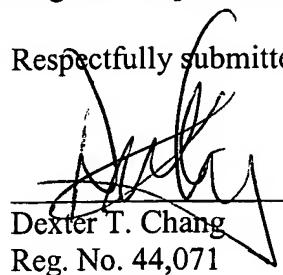
Accordingly, Applicant respectfully submits that claims 3-5 are patentable over the cited references for at least the above-stated reasons with respect to claim 1, from which they depend.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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